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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/680,623

10/07/2003

Michael David Newton

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EXAMINER

MAUST, TIMOTHY LEWIS

ART UNIT

PAPER NUMBER

3751

MAIL DATE

DELIVERY MODE

12/10/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/680,623

Applicant(s)

NEWTON, MICHAEL DAVID

Examiner

Timothy L. Maust

Art Unit

3751

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 September 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-34 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☐ Claim(s) 1-11, 22-28 and 30-33 is/are rejected.
- 7) ☒ Claim(s) 12-21, 29 and 34 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 September 2007 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>10/25/07</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Response to Arguments

Applicant's arguments with respect to claims 1-23 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 2, 4, 7-11, 22 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Benimeli.

In regard to claims 1, 2, 4, 7-11, 24-28 and 30-33 the Benimeli reference discloses a "pneumatic control system" (see Figure 4) comprising:

a "control means" (defined by a microprocessor) to operate the "pump" (defined by an inherent compressor to deliver air), a "connection means" (defined by the tire valve 1 and mouthpiece 18), "communication means" (defined by RF emitter 30 and RF receiver 35), as claimed (see column 8, line 20 – column 9, line 40). Further, inasmuch structure that is defined by "wirelessly identifies the article", the mere fact that the processor receives the temperature and pressure of the tire via RF emitter 30 and RF

receiver 35, meets the claimed limitation by obtaining values, which would otherwise not be present. In other words, the tire has been identified by its temperature and pressure. The proper tire information can be entered prior to the mouthpiece and valve being connected. Thus, when the connection is made, the pump is activated and the proper inflation/deflation takes place.

In regard to claims 22 and 30 the tire is capable of being used as a "seat pad".

In regard to claim 23, any structure on the system that can be handled by a user can be defined as a "support mechanism".

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-6, 24-28 and 30-33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jackson in view of Benimeli.

The Jackson reference discloses a pneumatic control system containing at least one "inflatable/deflatable article" (defined by a tire), comprising:
a "control means" (defined by reader 4 controlling a two-way valve to inflate or deflate the article; page 4, line 23 - page 5, line 15) to operate the "pump" (defined by a compressor; page 4, line 25), a "connection means" (defined by the tire valve and mounting head 8), "communication means" provided on the tire (**defined by a bar code**

on the valve; see abstract and page 6, lines 5-8) and a communication means provided on the pump (reading head 4A in mounting head 8, figure 1). When the valve is placed into the valve reader, information is exchanged via an optical or magnetic reader and the pump identifies the tire and inflates the tire to its correct pressure (page 6, lines 5-8). The communication means is capable of exchanging information. The valve contains a bar code which the reader observes and then inflates the article accordingly. In pages 3-4; beginning on line 25, page 3 and terminating on line 3, page 4 this process is described, however this passage describes the embodiment using the tire cap. The communication means is provided within the connection means as either the bar code or reading head (see Figure 1). If the tire valve is taken to be the communication means on the article and the reader on the pump is taken to be the second communication means and these communication means use magnetic energy, optical sensor or a bar code reader as suggested in the third paragraph of the first page, the tire valve and the reader would not come into physical contact at anytime during the inflation/deflation process.

The Jackson reference doesn't disclose the communications being wireless. However, the Benimeli reference (discussed supra) discloses a wireless communication system (RF receiver and transmitter) to send information in an inflation/deflation system. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to substitute a wireless system for the wired system on the Jackson device in view of the teachings of the Benimeli reference, since the combination would have yielded nothing more than predictable results to one of ordinary

skill in the art at the time of the invention, i.e., one skilled in the art would have recognized that wired and wireless systems are interchangeable and are used to send and receive information.

Claims 5 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Benimeli in view of Jackson.

The Benimeli reference discloses the invention substantially as claimed (discussed supra), but doesn't disclose the communication means being within the connection means. However, the Jackson reference (discussed supra) discloses communication means (i.e., magnetic, optical) being located in the connection means to identify and send data. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to locate the communications means of the Benimeli device in its connection means in view of the teachings of the Jackson reference, since the combination would have yielded nothing more than predictable results to one of ordinary skill in the art at the time of the invention and it appears that the invention would perform equally well with the data transmitter and receiver in numerous places.

Allowable Subject Matter

Claims 12-21, 29 and 34 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy L. Maust whose telephone number is (571) 272-4891. The examiner can normally be reached on Mon. - Thur. 6:30 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Huson can be reached on (571) 272-4883. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Timothy L Maust/
Primary Examiner
Art Unit 3751

Tlm
11/29/07